

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION	)	MDL 2804
	)	
OPiate LITIGATION	)	Case No. 1:17-md-2804
	)	
<i>This Document Relates to:</i>	)	Hon. Dan Aaron Polster
	)	
<i>Track Three Cases</i>	)	
	)	

UNOPPOSED MOTION TO DISMISS RITE AID CORPORATION

Pursuant to Rule 21 of the Federal Rules of Civil Procedure, Plaintiffs Lake County and Trumbull County hereby move to dismiss Defendant Rite Aid Corporation from the Track Three cases without prejudice. Rite Aid Corporation does not oppose this motion.

On June 16, 2020, Rite Aid Corporation filed a motion under Rule 12(b)(2) to dismiss the complaints in the Track Three cases for lack of personal jurisdiction. (Doc. 3338.) If this Rule 21 motion is granted, the Rule 12(b)(2) motion to dismiss for lack of personal jurisdiction will become moot.

WHEREFORE, Plaintiffs Lake County and Trumbull County respectfully request that the Court grant this motion and dismiss Rite Aid Corporation from the Track Three cases without prejudice.

Date: January 21, 2021

Respectfully submitted,

Paul J. Hanly, Jr.  
SIMMONS HANLY CONROY  
112 Madison Avenue, 7th Floor  
New York, NY 10016  
(212) 784-6400  
(212) 213-5949 (fax)  
phanly@simmonsfirm.com

Joseph F. Rice  
MOTLEY RICE  
28 Bridgeside Blvd.  
Mt. Pleasant, SC 29464  
(843) 216-9000  
(843) 216-9290 (Fax)  
jrice@motleyrice.com

Paul T. Farrell, Jr., Esq.  
FARRELL LAW  
422 Ninth Street  
Huntington, WV 25701  
(304) 654-8281  
paul@farrell.law

*Plaintiffs' Co-Lead Counsel*

W. Mark Lanier  
LANIER LAW FIRM  
10940 W. Sam Houston Pkwy N., Ste 100  
Houston, TX 77064  
(713) 659-5200  
(713) 659-2204 (Fax)  
wml@lanierlawfirm.com

*Trial Counsel*

/s/Peter H. Weinberger  
Peter H. Weinberger (0022076)  
SPANGENBERG SHIBLEY & LIBER  
1001 Lakeside Avenue East, Suite 1700  
Cleveland, OH 44114  
(216) 696-3232  
(216) 696-3924 (Fax)  
pweinberger@spanglaw.com

*Plaintiffs' Liaison Counsel*

Frank Gallucci (0072680)  
Plevin & Gallucci  
55 Public Square, Suite 2222  
Cleveland, Ohio 44113  
fgallucci@pglawyer.com  
Phone: (216) 861-0804

Hunter J. Shkolnik  
Salvatore C. Badala  
Joseph L. Ciaccio  
Napoli Shkolnik PLLC  
360 Lexington Avenue  
New York, New York 10017  
hunter@napolilaw.com  
sbadala@napolilaw.com  
jciaccio@napolilaw.com  
Phone: (212) 397-1000

*Counsel for Lake and Trumbull Counties*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 21st day of January, 2021, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF System. The foregoing will be served on counsel of record.

*/s/Peter H. Weinberger*

Peter H. Weinberger

*Plaintiffs' Liaison Counsel*